IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 10172 of 2004

Between:

1 V.Laxman, s/o.Raghavulu, R/o.H.No.4-5-280,
Valmikinagar Locality, Karimnagar.
2 Rajpal, S/o.Bhullam, R/o.H.No.4-5-428,
Valmikinagar Locality, Karimnagar.
3 D.Sanju, S/o.D.Bau, R/o.H.No.4-5-294,
Valmikinagar Locality, Karimnagar.
4 Ch.Rajendar, s/o.Savangam, R/o.H.No.4-5-289/415,
Valmikinagar Locality, Karimnagar.
5 Garrepally Bhoomaiah, S/o.Ramaiah, R/o.H.No.4-5-179,
Valmikinagar Locality, Karimnagar.

.....PETITIONERS

AND

1 The Commissioner, Municipal Council,Karimnagar.
2 Sri Putta Kishore Kumar, S/o.Putta Sanjeevi,
R/o.H.No.4-5-334, Near Aslam Masjid, Karimnagar.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of writ of Mandamus directing the first respondents herein to consider and dispose of the representation dt.14-5-2004 filed by the petitioners along with some others in accordance with the provisions of A.P. Municipalities Act, 1965 against the illegal construction made by the 2nd respondent by duly declaring the inaction on the part of the first respondent in not taking any action in response to the above representation filed by the petitioners along with some others as illegal, arbitrary and quite contrary to the true intent of the provisions of A.P. Municipalities Act, 1965.

For the Petitioners: MR.V.RAVI KIRAN RAO, Advocate

For the Respondent No.1: MR.R.TIMMA REDDY, SC for Municipality

The Court at the admission stage made the following:

ORDER:

In this writ petition the petitioners seek a direction to the first respondent to consider and dispose of the representation dated 14-5-2004 filed by them, in accordance with the provisions of A.P. Municipalities Act.

The grievance of the petitioners is that the second respondent is making construction in the plot bearing house No.4-5-334 situated in Valmikinagar, Karimnagar by encroaching an area of 16 feet into the 30 feet road, and that though they made a representation to the first respondent seeking appropriate action in the matter and despite a legal notice dated 3-6-2004 got issued by them, the first respondent has not taken any action so far and the second respondent is going ahead with the construction. Question the action of the respondent in not taking any action in the matter in spite of making representation and issuing legal notice, the petitioners filed the present writ petition.

Heard the learned counsel for the petitioners and the learned Standing Counsel for the first respondent-Municipality. Both counsel agreed to dispose of the writ petition with a direction to the first respondent to dispose of the representation made by the petitioners.

Having regard to the facts and circumstances of the case and in view of the fact that the representation submitted by the petitioner is pending consideration with the first respondent, I deem it appropriate to direct the first respondent to consider and dispose of the representation of the petitioners dated 14-5-2004 in accordance

with law, after issuing notice to the second respondent, expeditiously within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No costs.

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N.V. RAMANA, J

Date: 22-06-2004

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To

1 The Commissioner, Municipal Council, Karimnagar.
2 Two CD copies